

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nora Chanko	Team: Squad #3	CCRB Case #: 201608263	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/27/2016 8:58 AM	Location of Incident: Willoughby Avenue and Myrtle Avenue	Precinct: 83	18 Mo. SOL 3/27/2018	EO SOL 3/27/2018	
Date/Time CV Reported Wed, 09/28/2016 2:33 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 09/28/2016 10:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM William Froehlich	08195	944576	083 PCT
2. POM Patryk Kaczmarczyk	10797	954012	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jack Rollis	00716	952183	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Patryk Kaczmarczyk	Abuse: Police Officer Patryk Kaczmarczyk stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM William Froehlich	Abuse: Police Officer William Froehlich stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM William Froehlich	Discourtesy: Police Officer William Froehlich spoke discourteously to § 87(2)(b)	
D.POM William Froehlich	Abuse: Police Officer William Froehlich issued two summonses to § 87(2)(b)	
E.POM William Froehlich	Abuse: Police Officer William Froehlich threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On September 28, 2016, § 87(2)(b) filed this complaint with the CCRB via phone.

At approximately 8:58 a.m. on September 27, 2016, § 87(2)(b) was driving alone in his vehicle when he was stopped by PO Patryk Kaczmarczyk and PO William Froehlich of the 83<sup>rd</sup> Precinct at the intersection of Willoughby Avenue and Myrtle Avenue in Brooklyn (**Allegations A and B**). PO Froehlich spoke discourteously towards § 87(2)(b) (**Allegation C**). PO Kaczmarczyk and PO Froehlich let § 87(2)(b) go without issuing any summonses. § 87(2)(b) drove away, but returned less than five minutes later and approached PO Froehlich. After § 87(2)(b) complained about the way that PO Froehlich had spoken to him and asked for his name and shield number, PO Froehlich issued him two summonses and threatened him with arrest (**Allegations D and E**). § 87(2)(b) and the officers left the scene. § 87(4-b), § 87(2)(g)

§ 87(2)(b) took two videos of the incident, which can be found at 01 and 02 Board Review. Transcriptions of the videos can be found at 03 and 04 Board Review. SnagIt clips have been placed below, and can also be found at 05 and 06 Board Review.

Video footage was also obtained from a Family Dollar store near the location of the incident. This video, which did not show any interactions between § 87(2)(b) and the officers, can be found at 07 Board Review. The transcription can be found at 08 Board Review, and a SnagIt clip is located at 09 Board Review. Because this video was not discussed in the analysis, no SnagIt copies of the Family Dollar footage were placed below.



SnagIt Clip 1.mp4



SnagIt Clip 2.mp4

### Mediation, Civil and Criminal Histories

- This case was determined to be suitable for mediation; however, § 87(2)(b) rejected mediation § 87(2)(b).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On November 7, 2016, a FOIL request was submitted to the DMV to obtain the disposition of the summonses issued to § 87(2)(b) during the incident (28 Board Review). A letter from the DMV confirmed that the request would be granted or denied within 20 business days of November 8, 2016.
- On November 1, 2016, a FOIL request confirmed that § 87(2)(b) had not filed a Notice of Claim regarding this incident (10 Board Review).

### Civilian and Officer CCRB Histories

- § 87(2)(b) made two previous complaints with the CCRB, § 87(2)(b)
- PO Froehlich has been a member of the NYPD for nine years and has six previous CCRB cases involving 11 allegations, none of which were substantiated. § 87(2)(b)

§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
Case 201607441 is currently open § 87(2)(g)  
§ 87(2)(b).

- PO Kaczmarczyk has been a member of service for three years and has no prior complaints with the CCRB.

#### **Potential Issues**

- No video footage containing the allegations was found.
- PO Rollis did not recall the incident and remained in the RMP. § 87(2)(g)  
§ 87(2)(b)
- PO Kaczmarczyk issued a summons to another individual at the scene; § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)

#### **Findings and Recommendations**

##### **Allegations Not Pleaded**

- Abuse of Authority: § 87(2)(b) alleged that when he asked PO Froehlich for his name and shield number, PO Froehlich pointed to his name plate and said that the information was there. While § 87(2)(b) was trying to write the information in his phone, PO Froehlich moved his body from side to side, and asked for his license and registration. § 87(2)(b) told PO Froehlich to let him write his name down, and PO Froehlich told § 87(2)(b) not to worry because his information would be on the summons. § 87(2)(b) felt that PO Froehlich asked for his identification and made the comment about the summons to distract him from taking down his information. § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b).

**Allegation A – Abuse of Authority: Police Officer Patryk Kaczmarczyk stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B – Abuse of Authority: Police Officer William Froehlich stopped the vehicle in which § 87(2)(b) was an occupant.**

While § 87(2)(b) was waiting to turn left from Bushwick Avenue onto Willoughby Avenue, a vehicle stopped to let § 87(2)(b) make the turn (12 Board Review). As § 87(2)(b) accelerated, his vehicle skidded and made a skidding noise. § 87(2)(b) acknowledged that he was not wearing his seat belt. As § 87(2)(b) drove along Willoughby Avenue, he heard officers yell, “Yo.” There was a marked police vehicle parked perpendicularly on the sidewalk near the intersection of Myrtle Avenue and Willoughby Avenue. PO Kaczmarczyk and PO Froehlich were standing on the sidewalk. Initially, § 87(2)(b) thought that he passed a stop sign without coming to a full stop in order to approach the officers. § 87(2)(b) thought that he slowed down to about three miles per hour while passing the stop sign. After watching SnagIt Clip 2, which shows that the police vehicle was positioned prior to the stop sign, § 87(2)(b) remembered that he pulled over before the

stop sign when he spoke to the officers the first time. PO Kaczmarczyk and PO Froehlich approached his vehicle; PO Rollis was in the front passenger seat of the RMP and did not exit.

PO Kaczmarczyk stated that he and PO Froehlich were standing near the cross walk at the intersection of Willoughby Avenue and Myrtle Avenue, after the stop sign (13 Board Review). PO Rollis was inside the RMP, which was parked perpendicularly on Willoughby Avenue just before the intersection of Myrtle Avenue, between the stop line and the crosswalk. PO Kaczmarczyk observed a car “peel around” a vehicle that was going northbound on Bushwick Avenue and heard a skidding sound. As the vehicle got closer, PO Kaczmarczyk saw through the windshield and front passenger side window that § 87(2)(b) was not wearing his seat belt. PO Kaczmarczyk then observed § 87(2)(b) drive past the stop line. PO Kaczmarczyk yelled, “Stop,” and § 87(2)(b) stopped in the crosswalk. PO Kaczmarczyk’s view was not obstructed by anything. PO Kaczmarczyk did not have any discussion with PO Froehlich prior to stopping the vehicle.

PO Froehlich stated that he and PO Kaczmarczyk were standing on the sidewalk near the curb on the corner of Willoughby Avenue and Myrtle Avenue, and PO Rollis was seated in the passenger seat of the RMP (14 Board Review). PO Froehlich and PO Kaczmarczyk observed § 87(2)(b) drive north on Willoughby Avenue towards the intersection, through the stop line and the cross walk. PO Froehlich estimated that he was 10 to 15 feet away from the vehicle, and said that there was nothing obstructing his view when he observed the infraction. PO Froehlich and PO Kaczmarczyk issued a verbal command and motioned to § 87(2)(b) to stop. PO Froehlich said that he and PO Kaczmarczyk both saw the same infraction at the same time, and did not discuss stopping him prior to doing so. As § 87(2)(b) approached, PO Froehlich observed that he was not wearing his seatbelt through the front windshield of his vehicle. PO Froehlich stated that § 87(2)(b) could not have driven through the stop sign in an attempt to approach the officers and pull over, as he had observed § 87(2)(b) drive through the stop sign before directing him to pull over.

Initially, PO Froehlich stated that the RMP was parked after the stop sign and stop line, but after reviewing Snagit Clip 2, which shows that the RMP was parked before the stop sign, he stated that the RMP was parked before the stop sign. PO Froehlich maintained that he observed § 87(2)(b) drive through the stop sign, and said that they stopped him after he had driven through the crosswalk. PO Froehlich’s memo book entries state that § 87(2)(b) was issued a summons for not wearing a seat belt, and disobeying a stop sign (15 Board Review).

At 00:08 in Snagit Clip 1, § 87(2)(b) states, “An officer stopped me in my vehicle and stated that I was not wearing my vehi - my seat belt... He said ‘It’s okay just wear your seat belt,’ and I said, ‘Okay, sorry officer, no problem.’” (05 Board Review). At 00:34 in Snagit Clip 2, the bottom of a stop sign is visible behind § 87(2)(b) on the corner where he is standing, (06 Board Review). The RMP is in front of § 87(2)(b). At 06:42, § 87(2)(b) says, “He gave me a summons for disobeying a stop sign, meanwhile my vehicle’s over here and supposedly it happened back there.” At 06:56, § 87(2)(b) referred to his seatbelt and said, “I apologized and put it right back on. He said, ‘Okay, just wear your seatbelt.’ Well his partner said, ‘Just wear your seatbelt.’”

§ 87(2)(b) was issued summons § 87(2)(b) for not wearing a seat belt, and summons § 87(2)(b) for disobeying a stop sign (17 Board Review).

Section 1229c3a states that a person sitting in a seat equipped with a lap safety belt and a shoulder harness belt must be restrained by both belts (18 Board Review). Section 1172a of the Vehicle and Traffic Law states that when approaching a stop sign, motorists must stop at the stop line, or before entering the crosswalk if the stop line is not clearly demarcated (19 Board Review). Police officers are allowed to conduct a vehicle stop when they have probable cause to believe that a traffic violation occurred (20 Board Review) (People v. Robinson, 97 NY2d 341 (2001)).

§ 87(2)(g)

**Allegation C – Discourtesy: Police Officer William Froehlich spoke discourteously to**

§ 87(2)(b)

§ 87(2)(b) stated that, after he stopped his vehicle, PO Kaczmarczyk approached the front passenger side and PO Froehlich stood behind him (12 Board Review). PO Kaczmarczyk and § 87(2)(b) had a brief conversation about why § 87(2)(b)'s vehicle skidded and why he was not wearing his seatbelt. When PO Kaczmarczyk asked for § 87(2)(b)'s license and registration, § 87(2)(b) produced those documents along with three PBA cards. § 87(2)(b) described PO Froehlich as agitated and mad, which was demonstrated by him moving around, leaning over PO Kaczmarczyk to see into § 87(2)(b)'s vehicle, nodding his head, standing with his hands on his hips, and speaking at a louder than normal volume. PO Froehlich said, "Oh, you think that because you have PBA cards, you can do whatever you want?" and § 87(2)(b) said, "No, not at all. Why would you say that, officer?" PO Froehlich said, "Look at those cards, they're very irrelevant. Get out of here with that. Drive a Nissan Sentra if you cannot handle this car, 'cause you're skidding all over the street." § 87(2)(b) asked PO Froehlich what that meant, and PO Froehlich said, "You jackass. You're a fucking idiot." § 87(2)(b) said to PO Froehlich, "Why are you speaking to me like that? I'm being cooperative. Relax," and asked PO Kaczmarczyk why PO Froehlich was calling him those names. § 87(2)(b) did not repeat the curses or names and did not use any profanity. PO Kaczmarczyk did not say anything and PO Froehlich walked away. PO Kaczmarczyk returned § 87(2)(b)'s documents and told him that he should be careful and wear his seat belt. § 87(2)(b) thanked PO Kaczmarczyk. § 87(2)(b) went back and forth between saying that PO Froehlich called him a "fucking idiot" and a "jackass," and an "idiot" and a "fucking jackass," but noted that he did not use any of those words more than once, and that PO Froehlich was the only officer to use profanity. PO Kaczmarczyk let § 87(2)(b) go without issuing any summonses.

When § 87(2)(b) went back to the officers, as discussed further under Allegations D and E, he had a conversation with PO Kaczmarczyk and told him that PO Froehlich did not practice courtesy,

professionalism, or respect. § 87(2)(b) said that PO Froehlich was yelling and cursing at him, which he would not have had the right to do even if he had committed the infraction, cursed, or been uncooperative. PO Kaczmarczyk tilted or nodded his head to the right and moved his hand, but did not say anything.

PO Froehlich stated that he and PO Kaczmarczyk approached the passenger side of § 87(2)(b)'s vehicle after it had stopped (14 Board Review). PO Kaczmarczyk asked for § 87(2)(b)'s driver's license and registration, which he provided along with a PBA card. PO Kaczmarczyk explained to § 87(2)(b) that he had gone through the stop sign, and PO Froehlich added that he was not wearing his seatbelt. PO Froehlich described § 87(2)(b)'s demeanor as "cocky," and said that § 87(2)(b) felt that he should not have been stopped in the first place, and that once he presented the PBA card, that "should be the end of it." PO Froehlich did not believe that § 87(2)(b) used any profanity. When asked if he used profanity towards § 87(2)(b) he said, "I don't believe I did," and denied the specific discourtesies. After PO Froehlich and PO Kaczmarczyk had a brief conversation and decided to let § 87(2)(b) go, PO Kaczmarczyk told § 87(2)(b) that he was free to go. When § 87(2)(b) later approached the officers, PO Froehlich said that he only complained about the reasons why he was stopped, not the way that he had been spoken to. PO Kaczmarczyk told PO Froehlich that § 87(2)(b) was trying to "bait him," and may have been recording video or audio. When asked to elaborate, PO Froehlich said that PO Kaczmarczyk felt that § 87(2)(b) may have been trying to get him on camera saying that PO Froehlich did "this, this, and this." PO Froehlich did not remember what "this, this, and this" consisted of.

PO Kaczmarczyk said that he approached the passenger side of the vehicle and asked for § 87(2)(b)'s license and registration, while PO Froehlich stood behind him (12 Board Review). § 87(2)(b) produced his documents and a PBA courtesy card. PO Kaczmarczyk and § 87(2)(b) had a brief conversation about the reasons why he had been stopped. PO Kaczmarczyk described § 87(2)(b)'s demeanor as "arrogant," but said that he did not use profanity and was not upset at that point. PO Froehlich told § 87(2)(b) that he was driving erratically and not safely, and he could not do that just because he had a courtesy card. PO Froehlich was mad because § 87(2)(b) could have hit someone. PO Kaczmarczyk said that PO Froehlich did not say anything derogatory to § 87(2)(b). When asked if PO Froehlich talked to § 87(2)(b) in an unprofessional or rude way, PO Kaczmarczyk said, "I don't believe so." PO Kaczmarczyk did not hear anyone use profanity towards § 87(2)(b) and did not hear PO Froehlich use the specific discourtesies. PO Kaczmarczyk decided to let § 87(2)(b) go without consulting PO Froehlich because he felt that § 87(2)(b) understood what he had done wrong and was not disrespectful. Later, when § 87(2)(b) returned, PO Kaczmarczyk had a conversation with him in which § 87(2)(b) said that he did not like the way that PO Froehlich spoke to him or what he said to him, and specified that PO Froehlich cursed at him and called him a "jackass." PO Kaczmarczyk told § 87(2)(b) "No he didn't," in regards to both allegations.

In SnagIt Clip 1, § 87(2)(b) says to the camera that PO Froehlich was "rude," "nasty," and had an "unprofessional" attitude (05 Board Review). In SnagIt Clip 2, § 87(2)(b) states to the camera that PO Froehlich was "rude," "aggressive," "unprofessional," had a "bad way of speaking" to him, spoke to him "out of content," and "cursed at me and everything." (06 Board Review). Neither video shows § 87(2)(b) speaking to PO Kaczmarczyk.

Patrol Guide Procedure 203-09 states that officers must be courteous and respectful when interacting with the public (21 Board Review).

§ 87(2)(g)

[REDACTED]

**Allegation D – Abuse of Authority: Police Officer William Froehlich issued two summonses to § 87(2)(b)**

As § 87(2)(b) drove away after being released without a summons, he decided that he wanted to get PO Froehlich's badge number because of the way that he had conducted himself (12 Board Review). § 87(2)(b) parked his car halfway down Myrtle Avenue and walked back to the corner of Willoughby Avenue and Myrtle Avenue, where PO Kaczmarczyk and PO Froehlich were standing. § 87(2)(b) asked PO Froehlich for his name and shield number. PO Froehlich asked, "For what?" and § 87(2)(b) said that he did not like the way that he talked to him and felt that it was very rude. PO Froehlich pointed to his name plate and said, "It's right there." § 87(2)(b) took his phone out to type the information, but PO Froehlich kept moving his body from side to side. PO Froehlich asked for § 87(2)(b)'s license and registration, and § 87(2)(b) asked, "What for?" PO Froehlich said, "I'm not going to ask you again." § 87(2)(b) said, "Okay, but let me just write your name down." PO Froehlich told § 87(2)(b) not to worry because everything he needed would be on the summons. § 87(2)(b) provided his expired driver's license because his current license was with his registration in his car, which he explained to PO Froehlich. § 87(2)(b) felt that PO Froehlich was "out to get him." PO Froehlich told him to get his registration and got into the

driver's seat of the RMP. PO Kaczmarczyk told § 87(2)(b) "You should have left it alone, now you're going to get a summons." § 87(2)(b) walked back to his vehicle to get his documents and began recording to prove that he was issued the summons out of spite, after he had already been let go for the infractions. § 87(2)(b) returned to the police vehicle and handed his license and registration to PO Rollis, who was still in the front passenger seat of the RMP. PO Froehlich was writing and was seated in the driver's seat. PO Kaczmarczyk was issuing a summons to another individual. After about six minutes, PO Froehlich got out of the RMP and handed § 87(2)(b) his documents and two summonses, which he examined after returning to his vehicle. § 87(2)(b) received one summons for not wearing a seatbelt, and another for disobeying a stop sign. Initially, § 87(2)(b) thought that he had slowed down when passing the stop sign, but did not stop because the officers waved him over. After watching the SnagIt Clip 2, § 87(2)(b) remembered that he pulled over before the stop sign when he was stopped, and came to a complete stop at the sign when he continued driving. § 87(2)(b) did not ask the officers about the summonses because he walked away before he read them.

PO Froehlich stated that § 87(2)(b) made a right on Myrtle Avenue, stopped his car three car lengths away, and parked his car in front of a hydrant (14 Board Review). PO Froehlich maintained that § 87(2)(b) parked his car three to four car lengths away after reviewing SnagIt Clip 1. § 87(2)(b) approached PO Froehlich and argued about the reasons why he was stopped. PO Froehlich and PO Kaczmarczyk told § 87(2)(b) to get back into his vehicle and drive away. § 87(2)(b) continued to argue, and PO Froehlich said that he "got tired of listening to it," and asked for his license and registration. § 87(2)(b) asked PO Froehlich why he wanted his license all of a sudden, and PO Froehlich said that he was going to issue him a summons. PO Froehlich decided to issue § 87(2)(b) summonses because he was arguing with him in public, and said they were not "looking to have a scene." PO Froehlich said that no crowd formed and § 87(2)(b) was not causing a "physical" scene, but was continuing to argue and make statements that he had stopped and the officers did not know what they were talking about. PO Froehlich stated that it was his and PO Kaczmarczyk's choice to use discretion initially, but it was also their choice to pursue it further, and if someone argued about the reasons why were stopped, he was not going to listen to it and could issue a summons. PO Froehlich prepared summonses for disobeying a stop sign and not wearing a seatbelt. When asked why he did not issue a summons for parking in front of a hydrant, PO Froehlich said that he does not do parking enforcement and it did not cross his mind. PO Froehlich handed the summonses to PO Kaczmarczyk, who gave them to § 87(2)(b). PO Froehlich had no further contact with § 87(2)(b). PO Froehlich's memo book entries note that he issued § 87(2)(b) one summons for not wearing a seatbelt, and one summons for disobeying a stop sign (15 Board Review).

PO Kaczmarczyk did not remember whether § 87(2)(b) put his seat belt back on before he drove away (12 Board Review). When asked if he observed any other infractions as § 87(2)(b) drove away, PO Kaczmarczyk said that he was not looking at that point. After § 87(2)(b) approached PO Froehlich and asked him for his name and shield number, PO Froehlich asked § 87(2)(b) for his license and registration. PO Froehlich issued summonses to § 87(2)(b) and PO Kaczmarczyk believed that that was why he asked for § 87(2)(b)'s identification. PO Kaczmarczyk did not have any discussion with PO Froehlich about his reasons for issuing § 87(2)(b) a summons at that point in the interaction. PO Froehlich did not make any statements to § 87(2)(b) about why he issued him summonses.



At 00:30 in SnagIt Clip 1, § 87(2)(b) states, “The reason I’m doing this video is to prove that after I walked by he decided to give me the summons for not wearing my seatbelt.” (05 Board Review). At 01:20, § 87(2)(b) states, “So just to be clear he’s only giving me a ticket just for the fact that I came back to speak to him about his attitude.” At 05:28 in SnagIt Clip 2, § 87(2)(b) says, “This is just for the court to see, that because I came to speak to him about his bad way of speaking to me he decided to give me a ticket.” (06 Board Review). At 06:07, § 87(2)(b) identifies his car, which is not parked in front of a hydrant. At 06:49, § 87(2)(b) says, “And then he gave me one for no seat belt when he granted me courtesy.” Throughout this video, § 87(2)(b) walks past at least 10 cars.

Summons § 87(2)(b) § 87(2)(b) was issued for disobeying a stop sign (17 and 24 Board Review). Summons § 87(2)(b) was issued to § 87(2)(b) for not wearing a seatbelt (17 Board Review). A FOIL request for the disposition of the summonses is pending (28 Board Review).

In Police Department v. Napoleoni, a judge found that an officer committed misconduct when he acted in bad faith by initially releasing a civilian without issuing summonses to her, then later issued summonses after the woman requested the officer’s badge number (25 Board Review) (Police Department v. Napoleoni, OATH Index No. 1815/00 (2001)).

§ 87(2)(g)  
[REDACTED]

**Allegation E – Abuse of Authority: Police Officer William Froehlich threatened to arrest**

§ 87(2)(b)

When § 87(2)(b) returned to speak to PO Froehlich about his behavior, PO Froehlich asked for § 87(2)(b)’s license and registration (12 Board Review). § 87(2)(b) asked, “What for?” and PO Froehlich said, “I’m not going to ask you again.” § 87(2)(b) interpreted this as a threat to arrest him if he did not provide his documents, and said that he “knew” he was going to be arrested if he

did not provide them. § 87(2)(b) said, “Okay, but let me just write your name down.” PO Froehlich told § 87(2)(b) not to worry because everything he needed would be on the summons. § 87(2)(b) provided his expired driver’s license because his current license was with his registration in his car, which he explained to PO Froehlich. PO Froehlich said, “Oh, that’s alright, because when this comes up as suspended you’re going to get locked up.” No other statements were made that were threatening or made § 87(2)(b) think that he was going to get arrested.

PO Froehlich stated that when § 87(2)(b) returned to argue about the reasons why he had been stopped, he asked for § 87(2)(b)’s license and registration to issue him a summons (14 Board Review). § 87(2)(b) initially refused to provide his license. PO Froehlich did not recall ever threatening arrest, but said, “What I usually say is, ‘Should I not get your information at this point in time, I will be forced to make an arrest on you, and bring you back to the precinct until I can identify you, where I will then issue a summons,’ or put him through the system for dis con or OGA or whatever, which, in this case, didn’t happen.” PO Froehlich said that he did not remember making that statement, which is an explanation and not a threat, but may have said it. PO Froehlich did not make any comments about § 87(2)(b) having a suspended license, but said that if he had a suspended license he would have been arrested because that is a “legitimate crime.” PO Froehlich did not remember saying anything to § 87(2)(b) about a suspended license “or anything like that.” When asked if he heard any officer threaten § 87(2)(b) with arrest or tell him that they would take him back to the stationhouse, PO Froehlich said that, if anything, it would have been an explanation that if he did not give them the information they needed, they would have to take him back to the station house.

PO Kaczmarczyk did not hear PO Froehlich say, “When this comes up as suspended you’re going to get locked up,” or make any statements regarding a suspended license to § 87(2)(b) (13 Board Review). PO Kaczmarczyk did not hear anyone threaten to arrest § 87(2)(b) tell him that he was going to be locked up, or explain that he could be arrested. PO Kaczmarczyk did not hear § 87(2)(b) complain that he had been threatened with arrest.

As per Patrol Guide Procedure 209-09, when the identity of an individual receiving a summons cannot be verified, police officers are permitted to remove them to the stationhouse (22 Board Review). Section 511-1a of Vehicle and Traffic Law prohibits a person from operating a motor vehicle while knowing or having reason to know that their license is suspended (23 Board Review).

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(4-b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]



§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

---

Squad: 3

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date